

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

United States of America : Defendant

December 21, 2004

vs.

Civil No. 04-40070

Daniel F. Lafreniere : Plaintiff

Plaintiff's Motion for an Order to the Defendant to file answers to Plaintiff's Interrogatories and for other Relief

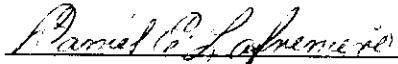
The Plaintiff moves that the Court order the United States to file answers to each of the Plaintiff's Interrogatories forthwith and without the filing of any objections thereto and in support thereof states the following:

1. The Plaintiff mailed the Plaintiff's Interrogatories to the Assistant United States Attorney by United States mail postage prepaid at the office of the United States Attorney, John Joseph Moakley Courthouse, One Courthouse Way, Suite 9200, Boston, MA. 02210 on October 23, 2004. A copy of the Plaintiff's Interrogatories are attached hereto as "A".
2. As of the date of signing this Motion, the Plaintiff has received no answers to those Interrogatories, no objections to the Interrogatories, and a copy of no Motion filed by the Defendant for relief from or more time to file answers or objections.
3. In view of the history of the Defendant in delaying the Plaintiff in this case, the Court should include in its Order a provision for monetary sanctions against the Defendant for its failure to answer the the Interrogatories to date. A provision for additional monetary sanctions for failure to answer the Interrogatories by a specific forthwith date selected by the Court and a provision for entry of Judgment for the Plaintiff in the amount of Sixteen Thousand Dollars (\$16,000.) plus the amount of sanctions and costs if the answers are not filed by forthwith date with a further Order of **No Further Motions for additional Time Shall be Filed by the Defendant.**

Signed and sworn to under the penalties of perjury this 21st. of December, 2004.

By the Defendant:

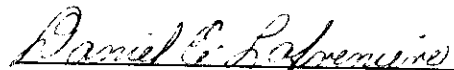
Enclosed: Exhibit "A" Dated 10-23-04
(2 pages)


Daniel E. Lafreniere, Pro Se
Reg. No. 90333-038
Federal Medical Center Devens
P.O.Box 897 Camp
Ayer, MA. 01432

CERTIFICATE OF SERVICE

I, Daniel E. Lafrenier certify that I deposited a copy of the **Plaintiff's Motion for an Order to the Defendant to file Answers to the Plaintiff's Interrogatories and for Other Relief**, in the inmate mail depository at FMC Devens Camp postage prepaid and addressed to Rayford Farquhar, Assistant U.S. Attorney. Office of the U.S. Attorney John Joseph Moakley Courthouse, One Courthouse Way - Suite 9200, Boston, MA. 02210, on this 21 day December 2004.

Signed under the penalties of perjury this 21st day of December 2004.



Daniel E. Lafreniere
Reg. No. 90333-038
Federal Medical Center Devens
P.O.Box 879 Camp
Ayer, MA. 01432

Daniel E. Lafreniere, Plaintiff

vs.

Civil No. 04-40070

United States of America, Defendant

PLAINTIFF'S FIRST SET OF INTERROGATORIES TO BE ANSWERED UNDER OATH BY THE DEFENDANT

Pursuant to the provisions of F.R.Civ.P. Rule 33 and Local Rule 33.1, The Plaintiff serves the following Interrogatories to be answered under oath by the Defendant. This proceeding is exempt from initial disclosure pursuant to F.R.Civ.P. Rule 26 (a)(1)(E)(iii).

Interrogatory No. 1. Describe in detail what inquiry you made or caused to be made on the basis of which you formed a belief that the Plaintiff is not a citizen of the United States, not a resident of Springfield, Hampden County, Massachusetts, and not commorant presently at Federal Medical Center, Devens Camp in Ayer, Middlesex County, Massachusetts as you state by your denials in paragraph 1 of your answer.

Interrogatory No. 2. Describe in detail what inquiry you made or caused to be made on the basis of which you formed a belief that the Plaintiff was convicted of a crime for which his ownership of the property referred to in paragraph 4 of the Complaint was subject to forfeiture under Federal criminal forfeiture law as you state by your denials in paragraph 3 of your Answer.

Interrogatory No. 3. On what date do you claim the F.B.I. agents gave the Plaintiff's wife the receipt referred to in paragraph 7 of the Complaint?

Interrogatory No. 4. What do you mean by the plural "dates" in paragraph 7 of your answer?

Interrogatory No. 5. On what date or dates did F.B.I. Agent Clifford Hedges testify in the Plaintiff's criminal trial?

Interrogatory No. 6. Do you have a copy of the transcript of the testimony of F.B.I. Agent Clifford Hedges at the Plaintiff's criminal trial and, if so, please attach a copy to your Answer to this Interrogatory.

Interrogatory NO. 7. On what date do you claim the Plaintiff filed a Motion for the return of all items seized on April 11 and 12, 1996 or if not on those dates, on what dates do you claim the items were seized as stated in paragraph 11 of the Complaint?

Interrogatory No. 8. Describe in detail what inquiry you made or caused to be made on the basis of which you formed a belief that you were without knowledge or information sufficient to admit or deny the allegations in Paragraph 13 of the Complaint.

Interrogatory No. 9. Describe in detail what inquiry you made or caused to be made on the basis of which you formed a belief that you were without knowledge or information sufficient to admit or deny the allegations in paragraph 15 of the Complaint.

Interrogatory No.10. Assuming you mean paragraph 16 and not 13 of the Complaint. describe in detail what inquiry you made or caused to be made on the basis of which you formed a belief that you were without knowledge or information sufficient to admit or deny the allegations in paragraph 16 of the Complaint.

Interrogatory No.11. Describe in detail the inquiry you made or caused to be made on the basis of which you formed a belief that you could deny that the Property subject to the Complaint has not been returned to the Plaintiff as alleged in paragraph 17 of the Complaint.

Interrogatory No.12. Describe in detail what inquiry you made or caused to be made on the basis of which you formed a belief that you were without knowledge or information sufficient to admit or deny the allegations of paragraph 19 of the Complaint.

Interrogatory No.13. What is the misquotation of the Report you claim in paragraph 22 of the Complaint?

Interrogatory No.14. Precisely what allegations are "remaining" in paragraph 25 of the Complaint (after those relating to the submission of the Administrative Claim) which you deny?

Interrogatory No.15. Did you interview or receive a statement from Ms. Genevieve McKeivie-Thomas about a telephone conversation the Plaintiff's agent claims in paragraph 28 of the Complaint he had with her on or about March 10, 2004, and what written report or reports of such an interview were made? Please attach a copy of all such reports to your Answer to this Interrogatory.

Interrogatory No.16. Do you have any reports of conversations which the "Federal Bureau of Investigations[sic]" had with the Plaintiff's brother as stated in Paragraph 31 of the Answer? If so, please attach copies of all such reports to your Answer to this Interrogatory.

Interrogatory NO.17. What do you claim is the last date on which the Plaintiff's claims would have been timely filed as stated in Affirmative Defense No. 4, and what is the legal authority and reasoning you used in arriving at that claimed Affirmative Defense?

Interrogatory No.18. Please state the names and titles of all persons who provided the factual bases for the denials of the Plaintiff's factual contentions set forth in paragraphs 1,4,7,12, 13,15,16,17,19,22,25,28, and 31 of the Answer.

Interrogatory No.19. Had each person listed in your Answer to Interrogatory No.18 read or had to him or her the provisions of F.R.Civ. P Rule 11 (b)(4) and(c) prior to providing the factual basis for the denials?

By the Plaintiff, Pro Se.

Daniel E. Lafreniere 90333-039
Devens Federal Medical Center
P.O.Box 879
Ayer, Ma. 01432

CERTIFICATE OF SERVICE

I swear under the penalties of perjury that I deposited one copy of these Interrogatories in the internal mail system at FMC Devens Camp, on October 25, 2004 postage prepaid addressed to Rayford A. Farquhar AUSA, John Joseph Moakley Courthouse, 1 Courthouse Way, Suite 9200, Boston, MA. 02210.

Daniel E. Lafreniere